

REMARKS

Status of the Claims

Claims 1-23 were previously presented for consideration. Claims 1-10 and 19-23 were allowed. Claims 15-18 were rejected, and claims 11-14 were objected to in the Office Action. Claims 6, 10, 12-18 and 23 have been amended. New claim 24 has been added.

The specification sets forth an extensive description of the invention in the amended claims. For example, support for the use of the salts, solvates, and prodrugs of 6-(1-{{(2,2diphenylethanoyl)methylamino}phenylethyl}pyrrolidin3yloxy}-3,4,5-tri-hydroxytetrahydropyrarr-2-carboxylic acid, mono-{1[2-(diphenylacetyl-methylamino)-2phenylethyl]pyrrolidin-3-yl} sulfate and N-{2-[(3S)-3-acetoxy-1-pyrrolidinyl]-(1S)-1-phenylethyl}-2,2-diphenyl-N-methylacetamide, can be found, *inter alia*, in claim 1. The amendments to claims 1-18 merely reformat the claims to a form suitable for prosecution before the U.S.P.T.O. Support for the treatment of dyspepsia, post-operative ileus and irritable bowel syndrome, can be found, *inter alia*, in previously pending claim 17, and at page 18, lines 16-20. Support for the amendment to claim 23 can be found, *inter alia*, at page 32, lines 28-29. Support for new claim 24 can be found, *inter alia*, in claims 1, 10 and 20. No new matter has been introduced by way of these amendments.

Upon entry of the present amendments, claims 1-24 will be pending. Reconsideration of the claims in light of the following comments is indicated.

With respect to all amendments, Applicants have not dedicated or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections and/or objections made by the Patent Office. Applicants expressly reserve the right to pursue prosecution of any presently excluded subject matter or claim embodiments in one or more future continuation and/or divisional application(s).

Applicants have carefully considered the points raised in the Office Action and believe that the Examiner's concerns have been addressed as described herein, thereby placing this case into condition for allowance.

Status of the Application

Applicants appreciate the Examiner's acknowledgement of receipt of Application 10/539,256, filed on June 16, 2005, which is a 371 of PCT/EP03/13206, filed November 25, 2003, and claims priority to EPO Application 10259245.4, filed on December 17, 2002.

Applicants also appreciate the Examiner's acknowledgement at page 4 of the Office Action that claims 1-10 and 19-23 are considered allowable over the closest prior art.

Objection to the Information Disclosure Statement

The Examiner objected to the information disclosure statement filed June 16, 2005 for failing to comply with 37 CFR 1.97, because of missing copies of references listed under the Foreign Patent Documents section. Applicants submit herewith a Supplemental Disclosure Statement and the requisite fee, containing a copy of each foreign patent reference previously submitted. Applicants therefore respectfully request that the objection should be withdrawn.

Objection to the Abstract

The Examiner objected to the abstract of the disclosure because of the use of the term "said" which is legal phraseology, and requested correction. The abstract has been amended to delete the objectionable term. As such, Applicants respectfully request that the objection be withdrawn.

Claim Objections Under 37 CER 1.75

Claims 12-14 were objected to under 37 CER 1.75 as allegedly being a substantial duplicate of claim 11. The Office asserted that since claims 11-14 are drawn to products, the use of these claims is not given any patentable weight. Claims 11-14 have been amended and are currently drawn to methods of treating or preventing diseases. As such, Applicants respectfully request that the objection under 37 CER 1.75 be withdrawn.

Rejection Under 35 U.S.C. § 101

Claims 15-18 were rejected under 35 U.S.C. § 101 as allegedly being drawn to use claims, which are non-statutory process claims, as defined in 35 U.S.C. § 101. Claims 15-18 have been amended and are drawn to methods of treating or preventing diseases, and as such, Applicants respectfully request that the rejection under 35 U.S.C. § 101 be withdrawn.

CONCLUSIONS

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 613242000800. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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